Remarks

The Examiner has rejected claims 1-9 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,571,280 to Hubacher ("the '280 patent") in view of U.S. Patent No. 6,574,733 to Langford ("the '733 patent"). These rejections are respectfully traversed.

Applicant has added new claims 10-15. Applicant respectfully submits that no new matter was added by the amendment, as all of the amended matter was either previously illustrated or described in the drawings, written specification and/or claims of the present application. Entry of the amendment and favorable consideration thereof is earnestly requested.

Applicant submits that claims 1, 4 and 7 all require among other elements "software executing on said central computer for transmitting said data backup to said client computer for onsite backup of internet-based data on said client computer." Applicant further submits that claim 1 requires among other elements "software executing on said central computer for receiving a data backup request from said client computer." Applicant yet further submits that claim 7 requires among other elements "software executing on said central computer for receiving a data backup request and for receiving a data format conversion request" and "software executing on said central computer for retrieving said data from said database and for converting said data to a format corresponding to said data format conversion request."

In addition, Applicant submits that new claim 10 requires among other elements "client data corresponding to said client data request, sent from said central computer via the Internet to said client computer and saved on said client computer."

The system taught and claimed in the present application is directed toward a data backup system that may be activated by clients for backup of their data contained on a central computer such that a data backup or the client data to be saved is transferred <u>from the central computer to the client computer and is saved thereon</u>. There are a number of ways that the backup request may be sent to the central computer. For instance, the client computer may be set up to pull the data backup from the central computer by sending a backup request to the central computer each time the client wishes a data backup to be sent to the client computer. Alternatively, the client may access the central computer set up an automated schedule on the central computer to push the information to the client computer based upon the schedule of backup requests the client selects. Still further, the client may manually access the central computer to send a data request for client data to be transferred to the client computer to be saved thereon. In any event, <u>the source of the request for the data backup is the client computer</u> that either sends a request every time a data backup is desired, or initially sends a data backup request that is repeated according to a schedule.

The Examiner has submitted that the '280 patent teaches software executing on said central computer for transmitting said data backup to said client computer for onsite backup of internet-based data on said client computer at Col. 6, lines 46-67. Applicant respectfully disagrees. The '280 patent is directed to a system for mapping and remapping of drive paths for saved data having redundant file locations. ('280 patent abstract). While the '280 patent teaches use of a backup IFS driver for determining the location of backed-up files, the '280 patent fails to teach "transmitting said data backup to said client computer for onsite backup of internet-based data on said client computer" as required by claims 1, 4 and 7. The Examiner has submitted that this limitation is disclosed in the '280 patent at Col. 6, lines 46-67, however this section teaches "read file requests and read/write file requests" (col. 6, lines 52-3) and that "in a data backup request, the data is automatically backed up by multiple servers." (col. 6, lines

56-8). Still further the '280 patent teaches that "[i]n the case of a read request, the backup IFS driver sequentially directs read file requests to a plurality of servers." (col. 6, lines 59-61). However, nowhere does the '280 patent teach, disclose or suggest transmitting a data backup to said client computer for onsite backup of internet-based data on said client computer. Rather, data backups are transmitted to and saved on multiple servers not the client computer as required by claims 1, 4 and 7. (col. 6, lines 17-25). The '280 patent is generally directed toward a searching function for different drive paths on the various servers where a data backup is saved. (col. 6, lines 26-40). Nowhere however, does the '280 patent teach that a data backup is sent to the client computer for onsite backup on the client computer. Applicant further submits that the '280 patent does not teach "a data backup corresponding to said data backup request, sent from said central computer via the Internet to said client computer and saved on said client computer" as required by new claim 10.

Storing the data backup on the client computer and not solely on the network of servers allows the present invention to solve a problem that the '280 patent cannot solve. For instance, the '280 patent teaches saving the data on multiple servers that are searchable with a backup IFS driver. While this may protect the data if something adverse happens to one of the servers, this will not protect the data if the company providing the server storage, for instance, goes out of business. Another advantage of having a local copy of the data stored on the client computer is if the client's Internet connection is interrupted, the client is still able to operate as he has a local copy of his data. Still further, some professionals have a professional responsibility to ensure that their data is safe and accessible whenever needed and may not be comfortable relying on their Internet connection to fulfill this responsibility. Having the ability to redundantly save a data backup on the client computer will provide the client with greater peace of mind knowing that critical data is protected by more than one company's system. This benefit however, cannot be realized by the '280 patent because there is no

software executing on the central computer for transmitting the data backup to the client computer for onsite backup of internet-based data on the client computer.

Therefore, applicant submits that because neither the '280 patent nor the '733 patent teach, disclose or suggest "software executing on said central computer for transmitting said data backup to said client computer for onsite backup of internet-based data on said client computer" as required by claims 1, 4 and 7, no combination can render these claims obvious. In addition, because neither the '280 patent nor the '733 patent teach, disclose or suggest "a data backup corresponding to said data backup request, sent from said central computer via the Internet to said client computer and saved on said client computer" as required by new claim 10, no combination can render this claim obvious.

Claim 1 further requires among other elements "software executing on said central computer for receiving a data backup request from said client computer." The Examiner has submitted that this element is disclosed in the '280 patent at col. 7, lines 12-22. Applicant disagrees. The '280 patent teaches a "local request" which may comprise a "read request to \\Server1\alias\config.sys" and that if "Server1 fails to respond, the backup IFS driver directs the request to \\Server2\alias\config.sys. If that server fails to respond, the backup IFS driver directs the read request to x:\config.sys." (col. 7, lines 15-9). Nowhere however, does the '280 patent teach <u>receiving a data backup request from said client computer</u> as required by claim 1.

Applicant further submits that new claim 10 requires among other elements "a data backup request, sent from said client computer via the Internet to said central computer." Again, while the '280 patent teaches a "local request" or a "read request", it does not teach a <u>data backup request</u> sent from the client computer to the central computer.

The system taught and claimed in the present application is directed toward a backup system that may be activated by clients for backup of their data contained on a central computer, such that <u>a data backup</u> is transferred from the central computer to their computer or network. There are a number of ways that the backup request may be sent to the central computer. For instance, the client computer may be set up to pull the data backup from the central computer by sending a backup request to the central computer every time the client wishes a data backup to be sent to the client computer. Alternatively, the client may access the central computer set up an auto-mated schedule on the central computer to push the information to the client computer based upon the schedule of backup requests the client selects. In either case, the source of the request for the data backup is the client computer that either sends a re-quest every time a data backup is desired, or initially sends a data backup request that is repeated according to a schedule. Neither of these methods are taught in the '280 patent, which fails to teach transferring any type of data backup from a central com-puter to a client computer.

Therefore, applicant submits that because neither the '280 patent nor the '733 patent teach, disclose or suggest "software executing on said central computer for re-ceiving a data backup request from said client computer" as required by claim 10, no combination can render this claim obvious. Applicant further submits that because nei-ther the '280 patent nor the '733 patent teach, disclose or suggest "a data backup re-quest, sent from said client computer via the Internet to said central computer" as re-quired by new claim 10, no combination can render this claim obvious.

Claim 7 further requires among other elements "software executing on said cen-tral computer for receiving a data backup request and for receiving a <u>data format con-version request</u>" and "software executing on said central computer for retrieving said data from said database and for <u>converting said data to a format corresponding to said</u>

data format conversion request." Examiner has submitted that these elements are disclosed in the '280 patent at col. 3, lines 9-27. Applicant disagrees. While the '280 patent discusses a "backup data encryptor" and that the "centralized secure data backup processor 12 centrally initiates extraction of data from the data sources 20a-20n for data that is to be backed-up based on for example, centralized backup policy data", nowhere is "a data format conversion request" identified. In addition, nowhere does the '280 patent teach converting the data to a format corresponding to the data format conversion request as required by claim 7. Rather, as disclosed and taught in the present application the "additional feature allows a client to back-up data on-site that is securely stored in a plurality of formats in client may require." (p. 6, lines 4-6).

Therefore, applicant submits that because neither the '280 patent nor the '733 patent teach, disclose or suggest "software executing on said central computer for receiving a data backup request and for receiving a data format conversion request" or "software executing on said central computer for retrieving said data from said database and for converting said data to a format corresponding to said data format conversion request" as required by claim 7, no combination can render this claim obvious.

It is respectfully submitted that claims 1-15, all of the claims remaining in the application, are in order for allowance and early notice to that effect is respectfully requested.

Respectfully submitted,
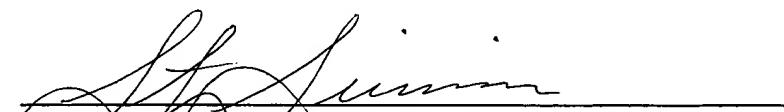
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